

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NO.16189/1997

Between:

Mahaboob Pasha,  
S/o. Nabi Sab,  
Aged about 50 years,  
Muslim,  
Proprietor of Kaka Hotel,  
Resident of Door No.586/A,  
Old Door No.105,  
Ward No.25, Club Road,  
Devinagar,  
Bellary.

..Petitioner

(Sri Kaleemulla Shariff, Advocate)

And:

1. The City Municipal  
Council, Bellary,  
Represented by its  
Commissioner.

2. G. Siddalinga,

3. G. Shashidhar,

2 & 3 are minors,  
represented by their  
natural father and  
guardian G. Mariyappa,  
Major, Resident at  
No.14, Devi Nagar,  
Khata No.41202/48221,  
Ward No.25, Bellary.

..Respondent

(Sri T.N.Ragnupathi, Advocate for R.1.

Sri Basavaprabhu S. Patil, Advocate for R.2 and R.3)

Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to review the order at Annexure-D dated 10.10.1996 till the disposal of the application/representation by R.2, R.3 and R.4 are restrained from putting up any further construction in front of the house of the petitioner and declare that the order at Annexure-D dated 10.10.1996 does not bind the petitioner by issuing an appropriate writ.

This petition coming up for orders on this day, the Court made the following:

ORDER

The petitioner has filed this writ petition for deletion of the portion of the order passed by this Court in W.P.No.28253/1994.

2. The case of the petitioner is that by virtue of the order passed in the above said writ petition the Municipal Council is taking steps to evict the petitioner from the bunk shop where he is carrying on his business after obtaining necessary permission from the Municipal Council.

3. After going through the order passed by this Court in the above said writ petition I am satisfied that this Court has not passed any order or direction adverse to the interest of the petitioner. Therefore, there is no reason to delete any portion of the order as prayed for in this writ petition. The direction

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issued by this Court reads as follows:

"Till the disposal of the application/  
representation by the second respondent,  
respondents 3 and 4 are restrained  
from putting up any further construc-  
tion in front of the house of the  
petitioner".

The petitioner is not a party in the said  
writ petition. The direction issued in the  
said writ petition restraining respondents 3 and 4  
from putting up any further construction cannot  
be said to be a direction to the petitioner in  
~~the~~ writ petition since he is not a party  
in the said writ petition. In the said view of  
the matter, the petitioner is not a person  
aggrieved of the order of this Court.

4. In the result, I pass the following order:

Writ petition is rejected.

Sd/-  
JUDGE

G/260598

